

STATE OF MICHIGAN
COURT OF APPEALS

STANWOOD MOTOR SPORTS ACQUISITION,
L.L.C.,

Plaintiff/Counter Defendant-
Appellee,

v

JOSEPH F. ARNOLD and VERDA SUE
ARNOLD,

Defendants/Counter Plaintiffs-
Appellants,

and

TIMOTHY CRAWFORD and PAUL ROSE,

Counter Defendants-Appellees.

STANWOOD MOTOR SPORTS ACQUISITION,
L.L.C.,

Plaintiff/Counter Defendant-
Appellant,

v

JOSEPH F. ARNOLD and VERDA SUE
ARNOLD,

Defendants/Counter Plaintiffs-
Appellees,

and

TIMOTHY CRAWFORD and PAUL ROSE,

Counter Defendants-Appellants.

UNPUBLISHED
April 17, 2014

No. 313994
Kent Circuit Court
LC No. 11-005999-GC

No. 314018
Kent Circuit Court
LC No. 11-005999-GC

Before: GLEICHER, P.J., and HOEKSTRA and O'CONNELL, JJ.

O'CONNELL, J. (*concurring in part and dissenting in part*).

I concur with parts I., II., and III. of the majority opinion. I respectfully dissent as to part IV. of the majority opinion, regarding attorney fees. Unlike the majority, I would affirm the trial court's denial of attorney fees.

On the basis of the unusual circumstances of this case, I agree with the majority that neither side prevailed in full. Furthermore, I agree with the majority that under the offer of judgment rule, MCR 2.405(D), the Arnolds have no entitlement to attorney fees.

In my opinion, these two factors—the lack of a prevailing party and the offer of judgment rule—control the attorney fee analysis in this case. The trial court correctly refused to award attorney fees to either party.

I would affirm the well-reasoned decision of the trial court.

/s/ Peter D. O'Connell